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Security Council

Distr.
GENERAL

S/25395
11 March 1993

ORIGINAL: ENGLISH

LETTER DATED 10 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF HUNGARY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I would like to recall my letter addressed to your predecessor on 26 February 1993 (S/25347) on the blockade of the Danube by Yugoslav barges, as well as the decision by the Security Council on the same day to call in the Chargé d'Affaires a.i. of the Federal Republic of Yugoslavia (Serbia and Montenegro) in order to convey to him, through the President of the Council, its condemnation of interference with the river traffic of several States Members of the United Nations and its demand that the Federal Republic of Yugoslavia authorities remove the blockade forthwith.

In this connection, I would like to bring to your attention two letters, the contents of which are set out below.

The first is an undated letter written by Mr. Strugar Dusan, General Director of the Yugoslav River Navigation Company (JRB), addressed to his German, Austrian, Slovak, Hungarian, Romanian, Bulgarian and Ukrainian colleagues. In the letter, he informs them that the Independent Trade Union of River Personnel of JRB announced the provisional suspension of the seven-day blockade of the Iron Gates-2 Locks. The General Director also makes reference in his letter to possible future steps contemplated by the trade union.

The second letter is dated 3 March 1993 and is written by Mr. Milovan Petrovic, Chairman of the Independent Trade Union of River Personnel, addressed to the General Director of JRB. This letter reads as follows (unofficial translation):

> "In order to give the opportunity and time necessary for talks and for reaching an agreement with the Romanian authorities on the free navigation on the Danube river - which is of vital importance for the employees of our organization - we are provisionally suspending the seven-day warning blockade as of 2 March of the current year at 6 p.m.
>
> We draw your attention to the fact that, in case we shall be further deprived of the right to work, we will, as of 10 March, resume the blockade of navigation affecting all vessels, which will continue until a solution is found to the question.

At the same time, we request you to forward the present communication and warning to all competent organs, including the federal Government, all foreign Danubian navigation companies and the representatives of the press, radio and TV."

We have reason to believe that the carrying out of the threat contained in the above letter is imminent.

Hungary, as one of the riparian States of the Danube, wishes to stress once again the utmost importance of early and effective measures to be taken by the Security Council to give an adequate response to the systematic defiance by the Federal Republic of Yugoslavia's authorities of the relevant resolutions and statements of the Security Council.

I would kindly ask you to have the present letter circulated as a document of the Security Council.

(Signed) André ERDOS
Ambassador

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Security Council

Distr.
GENERAL

S/25396
11 March 1993

ORIGINAL: ENGLISH

LETTER DATED 10 MARCH 1993 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the letter by His Excellency Mr. Vladislav Jovanović, Minister for Foreign Affairs of the Federal Republic of Yugoslavia.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Annex

With reference to the statement of the President of the Security Council of 26 February 1993 concerning the blockade of the Danube by Yugoslav barges, I have the honour to inform you that all barges and ships below Djerdap II dam and the channel, owned by the private holding company Jugoslovensko Rečno Brodarstvo (JRB), were removed on 2 March 1993; navigation by all international vessels has been restored. May I also point out that an erroneous interpretation of Security Council resolutions 757 (1992) and 787 (1992) by Romania continues to obstruct the navigation of vessels owned by Yugoslav private companies between inland ports in the Yugoslav part of the Danube.

The temporary blockade of navigation on the Danube by JRB's independent trade unions of shippers, neither caused nor encouraged by the Government of the Federal Republic of Yugoslavia, was the result of the ban on navigation by JRB vessels on the Djerdap II channel by the Romanian authorities. The navigation ban on the Djerdap II channel, located between Yugoslav ports and points upstream from the Yugoslav port of Prahovo, seriously threatened more than 10,000 employees of two Yugoslav private companies, Jugoslovensko Rečno Brodarstvo and Heroj Pinki, and their dependants. Accordingly, in an effort to save their jobs and the livelihood of their dependants, the trade unions decided on this action in order to put pressure on Romanian authorities and to draw the attention of the world public to the unacceptable navigation ban on Yugoslav shippers in the Yugoslav part of the Danube between ports in the upper and lower parts of this river.

I would remind you that ships flying the Yugoslav flag have navigated the Danube for over 130 years and that such a ban has never been imposed, including in time of war. Romania's present ban and non-compliance with the agreement between Yugoslavia and Romania on the hydroelectric power plant, dam and Djerdap II channel construction is not based on any decision of the Security Council and is in contravention of the Danube and other Conventions regulating navigation on this river. In point of fact, Security Council resolution 757 (1992) does not restrict, explicitly or implicitly, inland traffic in Yugoslavia, either on rivers, roads, railways or in the air. It is explicitly provided in the Danube Convention that traffic between river ports within one country is not subject to customs or any other control or restriction.

Navigation between Yugoslav ports in the Djerdap II channel as an inland waterway is regulated by the 1977 agreement on the hydroelectric power plant, dam and Djerdap II channel construction whereby the Romanian side undertook to build two channels, one on the Romanian and the other on the Yugoslav side. So far the Romanian side has not fulfilled its obligation, but did undertake in the said agreement to allow navigation by Yugoslav vessels in the Romanian channel, to ensure unimpeded navigation between Yugoslav ports and to defray additional costs until the completion of the Yugoslav channel.

We wish to note that in this specific case what is at stake is exclusively inland traffic between Yugoslav ports - cabotage, where Yugoslav vessels can only use the channel constructed in the Romanian part of the Danube. Since the channel has not yet been constructed in Yugoslav territory due to the failure of the Romanian side to fulfil its obligation under the agreement, recognition

of the right of Romania to use its channel as a State border, thus impeding free navigation of Yugoslav vessels in Yugoslav inland waterways, would be contrary to one of the basic principles of international law, namely, that a State cannot profit in any way from the non-fulfilment of its obligations under a treaty, i.e., that a non-right cannot become a right. Had Romania constructed the channel in Yugoslav territory, i.e., had it fulfilled its obligation under the agreement, this dispute would never have occurred.

From the very beginning, the Yugoslav Government has striven to resolve this bilateral problem in direct contacts with representatives of the Government of friendly Romania and principled discussions on it were held by the Presidents of the two countries during their recent meeting in Bucharest. I take this opportunity to inform you that it has been agreed that representatives and experts of two Governments are working out practical modalities for the solution of this problem and they are expected to meet soon.

Expressing the regret of the Yugoslav Government at the difficulties international vessels have had due to the action of the trade unions of Yugoslav shippers, I am confident that Yugoslavia and Romania will find an early solution to this problem which will both restore international shipping and enable Yugoslav ships to navigate the Djerdap II channel en route to ports in Yugoslav territory.

I am confident that I have helped you understand better the position of the Yugoslav Government.

(Signed) Vladislav JOVANOVIĆ
Minister for Foreign Affairs
Federal Republic of Yugoslavia

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General Assembly Security Council

Distr.
GENERAL

A/48/113
S/25397
11 March 1993

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-eighth session
Item 115 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-eighth year

Letter dated 11 March 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the preliminary comments of the Government of the Federal Republic of Yugoslavia in connection with the report on the situation of human rights in the territory of the former Yugoslavia (A/48/92-S/25341) prepared by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 115 (c) of the preliminary list, and of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/48/50.

ANNEX

Preliminary comments by the Government of the Federal Republic of Yugoslavia on the report by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia

This Report of the Special Rapporteur, like the previous ones, contains a large number of untrue, unsubstantiated and ill-intentioned allegations and assessments concerning the human rights situation in the Federal Republic of Yugoslavia, particularly the Republic of Serbia. A considerable number of these allegations was already brought up by various international commissions and institutions. This primarily applies to the early elections in the FR of Yugoslavia of 20 December 1992, the situation in mass media (particularly in the Republic of Serbia), instances of alleged brutality against the members of national minorities (Albanians in particular) by the police force, etc.

The Yugoslav side responded many times to all these allegations with argumentation which reflects the actual situation in the field of human rights protection in the FR of Yugoslavia. Its latest reaction was prompted by the extremely unobjective Report of the US State Department on this matter.

Therefore, we would now confine ourselves to a general review of Mr. Mazowietzki's Report, commenting only (on the basis of the presently available information) on some specific allegations contained in it.

Extremely malicious and untrue is the allegation contained in the Report that the FR of Yugoslavia and the Republic of Serbia are linked with "the Serbian nationalists" responsible for the violation of human rights in Croatia and Bosnia-Herzegovina, and the conclusion that the Federal Government cannot be freed of the responsibility for ethnic cleansing in these areas.

The FR of Yugoslavia strongly condemns the practice of ethnic cleansing, regardless of the side committing it. Moreover, the FR of Yugoslavia is in no way involved in the war in Bosnia-Herzegovina (nor in the conflicts in UNPAs). There is no Yugoslav soldier in these territories, no military or logistic support is being sent there and the borders of the FR of Yugoslavia are being controlled in order to prevent illicit traffick in arms. Moreover, both the FR of Yugoslavia and the Republic of Serbia have suggested on several occasions that international observers be placed on their borders with Bosnia-Herzegovina so that the international community could convince itself of that.

The Constitutions of the FR of Yugoslavia and the Republic of Serbia guarantee, in compliance with international documents, the highest standards in the field of the protection of civil and human rights, including the rights of national minorities. All citizens of the FR of Yugoslavia, regardless of their national, religious or any other belonging, are ensured full equality in the exercise of their rights.

Members of national minorities, like all other citizens of the Republic of Serbia, also enjoy equal protection of life and personal and property security.

In the Republic of Serbia, there have not been cases of violation of human rights of the members of national minorities, nor has there been "ethnic cleansing" as frequently alleged in foreign media. In Kosovo and Metohija, there is organized pressure of the Albanian separatist movement against citizens of Albanian nationality to refrain from exercising their rights (boycott of elections, refusal to participate in the work of legal organs of the Autonomous Province of Kosovo and Metohija, boycott of schools, health protection, etc.) and to refuse to recognize the laws and decisions of State organs of the Republic of Serbia, i.e. to deny their belonging to the Republic of Serbia and the FR of Yugoslavia.

At the directive of the Albanian separatist movement, in 1990 and 1991, a vast majority of workers of Albanian nationality left the police of the Autonomous Province of Kosovo and Metohija. They lost their jobs because they had left them of their own will and not because of their nationality. The Ministry of Internal Affairs and other State institutions have not discriminated against any one because of his/her nationality when applying for a job. Unlike in Kosovo and Metohija, where many members of the Albanian minority walked off their jobs (including the managing ones), in the Autonomous Province of Vojvodina the managing posts in the police, for example, are held by about 30 per cent of persons of non-Serb nationality. In the municipalities with mixed national composition of the population this percentage is much higher. The percentage of participation of the total number of employees in the police is proportionate to the national composition of the population. For example, in the Secretariat for Internal Affairs of Novi Pazar, out of the total number of employees, 57.5 per cent are Moslems, 41.9 per cent are Serbs and 0.3 per cent are others.

In order to suppress inter-ethnic conflicts in the areas with mixed population, security measures have been intensified to protect personal and property security of all citizens as well as to prevent criminal acts and offences, particularly those of inter-ethnic nature.

The undertaken measures have resulted in an improved security situation in these areas, increased personal and property security of all citizens, and significant results have been achieved in the suppression of black-marketing and illicit trafficking in narcotic drugs, weapons and ammunition. Public peace and order have been maintained and their larger scale disruption has been thwarted.

Most of serious criminal acts committed against persons of Moslem, Albanian, Croatian and other nationalities have been solved, and their perpetrators have been brought to justice.

Therefore, the assessment contained in the Report that the human rights situation in Kosovo and Metohija continues to deteriorate is untrue. The allegation that Kosmet lost it status of autonomous province in 1990 is particularly malicious. As it is known, Kosovo and Metohija still has the status of an autonomous province with all the powers, including territorial and cultural autonomy.

The allegation that nine medical centres in Kosovo and Metohija have been closed is also untrue. No centre has either been or will be closed, but all these centres are being reorganized in order to become more effective.

The Report completely twisted the picture of the situation in the field of education in Kosovo and Metohija. Albanian students are guaranteed the right to education in their mother tongue. The problem is caused by a great number of teachers of Albanian nationality who refuse to teach on the basis of curriculum set by the Republic. The Report does not contain any critical reference towards this fact, although the Special Rapporteur should know that no national minority in the CSCE participating States is entitled to education on the basis of its own, but exclusively of the curriculum of the country it lives in. Therefore, the boycott of teachers of the Albanian nationality is not only irresponsible but also reflects the secessionist aspirations of the Albanian national minority, which is unacceptable under international law.

The Report is also uncritical of the fact (which is also referred to) that only 5-10 per cent of ethnic Albanians have voted at the recent elections in Serbia. It is precisely through their mass participation in the elections that ethnic Albanians could legally exercise their minority rights, and international factors, including Mr. Mazowietzki as Special Rapporteur, should encourage them along those lines.

The same assessment applies to the Moslems in the Raška area (so-called Sandžak) where their most influential party (Democratic Action Party) also boycotted the elections. The conclusion of the Special Rapporteur concerning further deterioration of the human rights situation in this area is more tendentious than that in Kosovo and Metohija. For example, the majority of managing posts in enterprises, health, educational and other institutions in Novi Pazar (as the biggest town in the area) are held by Moslems. Moreover, there are no instances of violation of their human rights, neither formally nor in practice, since they, unlike Albanians in Kosmet, have not boycotted the privileges accorded to them.

As regards Vojvodina, the concern of Special Rapporteur at the inflow of refugees from Croatia and Bosnia-Herzegovina into this area is unfounded. The Republic of Serbia receives all refugees irrespective of their nationality and accommodates them throughout its territory. In this respect, Vojvodina is in no danger of changing its demographic structure, while Hungarians, Croats and others living there are not losing their property, jobs or influence within the community. Some instances of discriminatory behaviour against members of ethnic minorities have been solved and their perpetrators sanctioned.

The statement in the Report that the Serbian language is compulsory for all pupils, while Hungarian is not compulsory for Serbian pupils, is absurd. There is no State whose citizens (including students and pupils) are obliged to learn the language of a national minority.

It can be concluded in general that the report of Mr. Mazowietzki is the continuation of the tendentious appraisal of the human rights situation in the FR of Yugoslavia and in the Republics of Serbia and Montenegro. Its main characteristic is that it uses uncorroborated facts regarding the situation in the area obtained predominantly from representatives of national minorities who have separatist aspirations the majority of which are untrue.

UNITED
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Security Council

Distr.
GENERAL

S/25398
11 March 1993

ORIGINAL: ENGLISH

LETTER DATED 10 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose the text of the Afghan Peace Accord signed in Islamabad on 7 March 1993.

The Afghan leaders also signed a separate agreement on the "Division of Powers". This document, which forms an annex of the Accord, is also attached.

The Peace Accord was signed, after intensive consultations, between the Afghan leaders who met in Islamabad at the invitation of the Prime Minister of the Islamic Republic of Pakistan, Mr. Muhammad Nawaz Sharif.
Prince Turki al-Faisal of Saudi Arabia and Dr. Alaedin Broujerdi, the Deputy Foreign Minister of the Islamic Republic of Iran were also present during the negotiations.

It is requested that this letter along with its enclosures be circulated as a document of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador and Permanent
Representative

Annex I

Afghan Peace Accord

Given our submission to the will of Allah Almighty and commitment to seeking guidance from the Holy Quran and Sunnah,

Recalling the glorious success of the epic Jehad waged by the valiant Afghan people against foreign occupation,

Desirous of ensuring that the fruits of this glorious Jehad bring peace, progress and prosperity for the Afghan people,

Having agreed to bringing armed hostilities to an end,

Recognizing the need for a broad-based Islamic Government in which all parties and groups representing all segments of Muslim Afghan society are represented so that the process of political transition can be advanced in an atmosphere of peace, harmony and stability,

Committed to the preservation of unity, sovereignty and territorial integrity of Afghanistan,

Recognizing the urgency of rehabilitation and reconstruction of Afghanistan and of facilitating the return of all Afghan refugees,

Committed to promoting peace and security in the region,

Responding to the call of Khadim Al-Harmain Al-Sharifain His Majesty King Fahd Bin Abdul Aziz to resolve the differences among Afghan brothers through a peaceful dialogue,

Appreciating the constructive role of good offices of Mr. Muhammad Nawaz Sharif, Prime Minister of the Islamic Republic of Pakistan and his sincere efforts to promote peace and conciliation in Afghanistan,

Recognizing the positive support for these efforts extended by the Governments of the Kingdom of Saudi Arabia and the Islamic Republic of Iran, who have sent their Special Envoys for the conciliation talks in Islamabad,

Having undertaken intensive intra-Afghan consultations separately and jointly to consolidate the gains of the glorious Jehad,

All the parties and groups concerned have agreed as follows:

1. To the formation of a Government for a period of 18 months in which President Burhanuddin Rabbani would remain President and Eng. Gulbadin Hikmatyar or his nominee would assume the office of Prime Minister. The powers of the President and Prime Minister and his cabinet which have been formulated through mutual consultations will form part of this Accord and is annexed;

/

2. The Cabinet shall be formed by the Prime Minister in consultations with the President, and leaders of Mujahideen Parties within two weeks of the signing of this Accord;

3. The following electoral process is agreed for implementation in a period of not more than 18 months with effect from 29 December 1992:

(a) The immediate formation of an independent Election Commission by all parties with full powers;

(b) The Election Commission shall be mandated to hold elections for a Grand Constituent Assembly within eight months from the date of signature of this Accord;

(c) The duly elected Grant Constituent Assembly shall formulate a Constitution under which general elections for the President and the Parliament shall be held within the prescribed period of 18 months mentioned above.

4. A Defence Council comprising two members from each party will be set up to, inter alia,

(a) Enable the formation of a national Army;

(b) Take possession of heavy weapons from all parties and sources which may be removed from Kabul and other cities and kept out of range to ensure the security of the Capital;

(c) Ensure that all roads in Afghanistan are kept open for normal use;

(d) Ensure that State funds shall not be used to finance private armies or armed retainers;

(e) Ensure that operational control of the armed forces shall be with the Defence Council.

5. There shall be immediate and unconditional release of all Afghan detainees held by the Government and different parties during the armed hostilities.

6. All public and private buildings, residential areas and properties occupied by different armed groups during the hostilities shall be returned to their original owners. Effective steps shall be taken to facilitate the return of displaced persons to their respective homes and locations.

7. An All Party Committee shall be constituted to supervise control over the monetary system and currency regulations to keep it in conformity with existing Afghan banking laws and regulations.

8. A cease-fire shall come into force with immediate effect. After the formation of the Cabinet, there shall be permanent cessation of hostilities.

9. A Joint Commission comprising representatives of the Organization of the Islamic Conference and of all Afghan parties shall be formed to monitor the cease-fire and cessation of hostilities.

In confirmation of the above Accord, the following have affixed their signatures hereunder, on Sunday, 7 March 1993 in Islamabad, Pakistan.

(Signed)
Prof. Burhan-ud-Din Rabbani
Jamiat-e-Islami
President of the Islamic State
of Afghanistan

(Signed)
Moulvi Muhammad Nabi Muhammadi
Harkat-e-Inqilab-e-Islami

(Signed)
Pir Syed Ahmed Gaillani
Mahaz-e-Milli

Sheikh Asif Mohseni
Harkat-e-Islami

(Signed)
Engr Gulbadin Hikmatyar
Hizb-e-Islami

(Signed)
With my reservation to the
President time.
Prof. Sibghatullah Mujjadidi
Jabha-e-Nijat-e-Milli

(Signed)
With my reservation to the
President time.
Engineer Ahmed Shah
Ahmadzai Ittehad-e-Islami

(Signed)
Ayatullah Fazil
Hizb-e-Wahdat-e-Islami

Annex II

Division of Powers

Preamble

The President of the Islamic State of Afghanistan is the Head of the State and symbol of unity and solidarity of the country and shall guide the affairs of the State in accordance with Islamic laws and the principles laid down in the Holy Quran and Sunnah.

I. The Prime Minister shall form the Cabinet in consultation with the President and present the same to the President, who shall formally announce the Cabinet and take its oath. The Cabinet shall operate as a team under the leadership of the Prime Minister and shall work on the principle of collective responsibility.

II. The Prime Minister and the Cabinet shall regularly act in close consultation with the President on all important issues.

III. The President and the Prime Minister shall act in consultation with each other and shall try to resolve differences, if any, through mutual discussion. In case any issue remains unresolved, it should be decided by a reference to a joint meeting of the President and the Cabinet.

IV. All major policy decisions shall be made in the Cabinet, to be presided over by the Prime Minister. Ministers, Deputy Ministers and Ministers of State would be individually and collectively responsible for the decisions of the Government.

V. The formal appointment of the Chiefs of the Armed Forces shall be made in accordance with the existing practice and after mutual consultation.

Powers of the President

VI. The President shall have the following powers and duties:

(a) Appointment of Vice-President of the Islamic State of Afghanistan.

(b) Appointment and retirement of judges of the Supreme Court, the Chief Justices, in consultation with the Prime Minister and in accordance with the provisions of the laws.

(c) Supreme Command of the Armed Forces of the country in the light of the objectives and structure of the Armed Forces of Afghanistan.

(d) Declaring war and peace on the advice of the Cabinet or the Parliament.

(e) Convening and inaugurating the Parliament according to Rules.

(f) Consolidating national unity and upholding the independence, neutrality and the Islamic character of Afghanistan and the interests of all its citizens.

(g) Commuting and pardoning of sentences according to the Shariah and the provisions of law.

(h) Accrediting heads of Afghanistan's diplomatic missions in foreign States, appointing Afghanistan's permanent representatives to international organizations according to the normal diplomatic procedures and accepting the letters of credence of foreign diplomatic representatives.

(i) Signing laws and ordinances and granting credentials for the conclusion and signing of international treaties in accordance with the provisions of law.

(j) The President may, at his discretion, delegate any of his powers to the Vice-President, or to the Prime Minister.

(k) In the event of the death or resignation of the President, the presidential functions shall be automatically entrusted to the Vice-President, who shall deputize till the new President is elected under the Constitution.

(l) Granting formal permission to print money.

(m) The President may call an extraordinary meeting of the Cabinet on issues of vital national significance which do not fall in the routine governance of the country.

Power of the Prime Minister

VII. The Prime Minister and his Cabinet shall have the following duties and powers:

(a) Formulation and implementation of the country's domestic and foreign policies in accordance with the provisions and spirit of this Accord and the provisions of law.

(b) Administering, coordinating and supervising the affairs of the ministries, and other departments and public bodies and institutions.

(c) Rendering executive and administrative decisions in accordance with laws and supervising their implementation.

(d) Drafting of laws and formulating rules and regulations.

(e) Preparing and controlling the State budget and adopting measures to mobilize resources to reconstruct the economy and establish a viable and stable monetary, financial and fiscal system.

(f) Drafting and supervising implementation of the socio-economic and educational plans of the country with a view to establishing a self-reliant Islamic Welfare State.

(g) Protecting and promoting the objectives and interests of Afghanistan in the world community and discussing and negotiating foreign treaties, protocols, international agreements and financial arrangements.

(h) Adopting measures to ensure public order, peace, security and Islamic morality and to ensure administration of justice through an independent and impartial judiciary.

In confirmation of the above Accord, the following have affixed their signatures hereunder, on Sunday, 7 March 1993 in Islamabad, Pakistan.

(Signed)
Prof. Burhan-ud-Din Rabbani
Jamiat-e-Islami
President of the Islamic State
of Afghanistan

(Signed)
Moulvi Muhammad Nabi Muhammadi
Harkat-e-Inqilab-e-Islami

(Signed)
Pir Syed Ahmed Gaillani
Mahaz-e-Milli

Sheikh Asif Mohseni
Harkat-e-Islami

(Signed)
Engr Gulbadin Hikmatyar
Hizb-e-Islami

(Signed)
With my reservation about the
President time.
Prof. Sibghatullah Mujjadidi
Jabha-e-Nijat-e-Milli

(Signed)
Engineer Ahmed Shah
Ahmadzai Ittehad-e-Islami

(Signed)
Ayatullah Fazil
Hizb-e-Wahdat-e-Islami

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Security Council

Distr.
GENERAL

S/25399
11 March 1993

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolutions 696 (1991) of 30 May 1991, 747 (1992) of 24 March 1992, 785 (1992) of 30 October 1992, 793 (1992) of 30 November 1992 and 804 (1993) of 29 January 1993,

Gravely disturbed by the recent outbreak of heavy fighting in many parts of Angola, the large number of casualties and massive loss of human life which have ensued and the further deterioration of the already dangerous political and military situation, bringing the country to the verge of the resumption of civil war,

Gravely concerned at the persistent violations by UNITA of the major provisions of the "Acordos de Paz para Angola",

Further concerned at reports that military support and equipment continue to flow in contravention of the "Acordos de Paz",

Noting with particular concern that a humanitarian tragedy of grave proportions is developing in Angola and the need, therefore, for increased international humanitarian assistance,

Deeply regretting that the second meeting between the delegations of the Government of Angola and UNITA, which had been scheduled to be held on 26 February 1993 in Addis Ababa under the auspices of the United Nations, did not take place because of the failure by UNITA to fulfil its commitment to send a delegation to Addis Ababa,

Noting with satisfaction the readiness displayed by the Government of Angola to participate in the Addis Ababa meeting,

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Welcoming and supporting the efforts of the Secretary-General and his Special Representative aimed at resolving the present crisis through negotiations,

1. Strongly condemns the persistent violations by UNITA of the major provisions of the "Acordos de Paz", in particular the continued rejection by UNITA of the results of the elections held on 29 and 30 September 1992 which the Special Representative of the Secretary-General determined as generally free and fair, its failure to take part in the political institutions established on the basis of those elections, its failure to engage in meaningful negotiations with the Government of Angola, its withdrawal from the new Angolan armed forces, its seizure by force of provincial capitals and municipalities and the resumption of hostilities;

2. Demands that UNITA accept unreservedly the results of the democratic elections of 1992 and abide fully by the "Acordos de Paz", and further demands that the two parties, particularly UNITA, produce early evidence, not later than 30 March 1993, that real progress has been made towards the implementation of the "Acordos de Paz";

3. Strongly demands an immediate cease-fire throughout the country, and further demands the resumption without delay and without preconditions of a continued and meaningful dialogue under United Nations auspices so that a clear time-table for the completion of the implementation of the "Acordos de Paz" may be established;

4. Reaffirms that it will hold responsible any party which refuses to take part in such a dialogue, thereby jeopardizing the entire process, and will consider all appropriate measures under the Charter of the United Nations to advance the implementation of the "Acordos de Paz";

5. Strongly condemns verbal and physical attacks against the Special Representative of the Secretary-General and UNAVEM II personnel in Angola, and demands that these attacks cease forthwith and that the Government of Angola and UNITA take all necessary measures to ensure their safety and security;

6. Condemns the kidnapping of a UNAVEM II military observer in Cabinda on 23 February 1993 and demands that he be released unharmed and unconditionally and without further delay;

7. Supports fully the Secretary-General and his Special Representative in their continuing efforts to restore the peace process and to carry out the mandate of UNAVEM II under extremely difficult conditions;

8. Invites the Secretary-General to seek to organize a meeting between the Government of Angola and UNITA at the highest possible level with a view to securing the full implementation of the "Acordos de Paz", this meeting to take place in good time before 30 April 1993 and to consider also the future role of the United Nations in Angola, and encourages the parties to respond positively;

9. Requests the Secretary-General, pending the submission of the report referred to in paragraph 16 of resolution 804 (1993), to present as soon as possible a progress report on the efforts for the resumption of the talks between the two parties in Angola at all appropriate levels;

10. Calls on all Member States, United Nations agencies and non-governmental organizations to accord or increase humanitarian relief assistance to Angola and encourages the Special Representative of the Secretary-General, with the resources at her disposal, to coordinate the provision of humanitarian assistance to the civilian population in need;

11. Strongly appeals to both parties strictly to abide by applicable rules of international humanitarian law, including unimpeded access for humanitarian assistance to the civilian population in need;

12. Appeals once again to all Member States to render economic, material and technical assistance to the Government of Angola for the reconstruction and development of the country;

13. Looks forward to the report of the Secretary-General referred to in paragraph 16 of resolution 804 (1993) on the situation in Angola together with his recommendations for the further role of the United Nations in the peace process;

14. Decides to remain seized of the matter.

UNITED
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Security Council

Distr.
GENERAL

S/25400
11 March 1993
ENGLISH
ORIGINAL: FRENCH

Draft resolution

The Security Council,

Taking note of the request contained in the letter of the Chargé d'affaires a.i. of Rwanda dated 4 March 1993 (S/25363),

Also taking note of thé letters of the Permanent Representative of Rwanda (S/25355) and of the Permanent Representative of Uganda (S/25356) dated 22 February 1993 in which the Governments of both these countries called for the deployment of United Nations observers along their common border,

Gravely concerned by the fighting in Rwanda and its consequences regarding international peace and security,

Alarmed by the humanitarian consequences of the latest resumption of the fighting in Rwanda, in particular the increasing number of refugees and displaced persons and by the threats to the civilian populations,

Stressing the need for a negotiated political solution, in the framework of the agreements signed by the parties in Arusha, in order to put an end to the conflict in Rwanda,

Paying tribute to the efforts of the Organization of African Unity (OAU), in order to promote such a political solution,

Taking note of the statements by the Government of Rwanda and the Rwandese Patriotic Front (RPF) (S/25363, annexes II and III) to the effect that the Rwandese armed forces would remain in their current positions, the RPF army would pull back to the positions it occupied before 7 February 1993 and the buffer zone between the forces would be considered as a neutral demilitarized zone used to monitor the implementation of the cease-fire by an international force,

Welcoming the joint communiqué issued in Dar-es-Salaam on 7 March 1993 by the Government of Rwanda and the RPF, concerning in particular the modalities of the cease-fire, which was to become effective on 9 March 1993, and the situation of displaced persons (S/25385),

Welcoming the decision of the Secretary-General to send a goodwill mission to the region and having heard a first oral report on the mission,

Determined that the United Nations, in consultation with OAU, and in support of its ongoing efforts, should consider how a United Nations contribution might assist the process towards a political settlement in Rwanda, in particular by preventing the resumption of fighting and by monitoring the cease-fire,

1. Calls upon the Government of Rwanda and RPF to respect the cease-fire which took effect on 9 March 1993, to allow the delivery of humanitarian supplies and the return of displaced persons, to fulfil the obligations they have accepted in the agreements they have signed and to implement the commitments they have undertaken in their above-mentioned statements and joint communiqué;

2. Invites the Secretary-General to examine, in consultation with OAU, the contribution that the United Nations, in support of OAU's efforts, could bring to strengthen the peace process in Rwanda, in particular through the possible establishment of an international force under the aegis of OAU and the United Nations, entrusted inter alia with the protection of, and humanitarian assistance to, the civilian population, and the support of the OAU force for the monitoring of the cease-fire, and to report most urgently on the matter;

3. Also invites the Secretary-General to examine the request by Rwanda and Uganda for the deployment of observers on the border between these two countries;

4. Expresses its readiness to examine without delay the recommendations that the Secretary-General might submit in this regard;

5. Invites the Secretary-General to coordinate closely his efforts with those of OAU;

6. Calls upon the Government of Rwanda and RPF to cooperate fully with the efforts of the United Nations and OAU;

7. Urges the Government of Rwanda and RPF to resume the negotiations on 15 March 1993 as agreed, in order to resolve the pending questions with a view to signing a peace agreement at the beginning of April 1993 at the latest;

8. Urges both parties strictly to respect the rules of international humanitarian law;

9. Urges all States to refrain from any action that could increase the tension in Rwanda and jeopardize respect for the cease-fire;

10. Decides to remain actively seized of the matter.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25401
11 March 1993
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 10 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF SENEGAL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

As Permanent Representative of the country whose Head of State is currently Chairman of the Organization of African Unity, I am transmitting to you, herewith, the Joint Communiqué signed on 7 March 1993, at Dar-es-Salaam, at the end of the high-level meeting between the Government of the Rwandese Republic and the Rwandese Patriotic Front, for publication as a document of the Security Council.

(Signed) Kéba Birane CISSE

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Annex

[Original: English/French]

JOINT COMMUNIQUE ISSUED AT THE END OF THE HIGH-LEVEL MEETING BETWEEN THE GOVERNMENT OF THE RWANDESE REPUBLIC AND THE RWANDESE PATRIOTIC FRONT, HELD IN DAR-ES-SALAAM FROM 5 TO 7 MARCH 1993

1. The delegations of the Government of the Rwandese Republic and of the Rwandese Patriotic Front, led respectively by His Excellency Mr. Dismas Nsengiyaremye, Prime Minister of the Rwandese Republic, and by Colonel Alexis Kanyarengwe, Chairman of the Rwandese Patriotic Front (RPF), met in Dar-es-Salaam, United Republic of Tanzania, from 5 to 7 March 1993, under the auspices of the Prime Minister and First Vice-President of the United Republic of Tanzania, the Honourable John S. Malecela, representing the Facilitator, to discuss matters related to the consolidation of the cease-fire agreement and to the creation of an atmosphere conducive to the resumption of the Arusha peace talks.

2. At the conclusion of their talks, the two Parties agreed as follows:

Commitment to a negotiated settlement

A. The two Parties solemnly declared that the conflict in Rwanda can be resolved only by peaceful means, and, in this regard, reaffirmed their commitment to a negotiated settlement within the framework of the Arusha negotiations.

B. They reiterated their acceptance of all protocols and agreements concluded as part of the Arusha peace process as binding, and also undertook to respect those to be concluded on the outstanding issues.

Consolidation of the cease-fire agreement

C. The two Parties, on the basis of the recommendations adopted at the meeting in Bujumbura between the political parties participating in the Government and the RPF, held from 25 February 1993 to 2 March 1993, reaffirmed their commitment to respect the N'sele Cease-Fire Agreement, as amended in Arusha on 12 July 1992, and undertook to restore and consolidate the cease-fire on the following terms:

I. The effective date for the cessation of hostilities shall be Tuesday, 9 March 1993 at midnight, Rwanda time.

II. The identification and mapping of the positions of the Rwandese armed forces by the Neutral Military Observer Group (NMOG) shall be carried out from 10 to 13 March 1993.

III. The Rwandese armed forces shall remain in the positions so identified and mapped.

IV. Foreign troops shall withdraw and shall be replaced by a neutral international force which shall be organized under the aegis of the Organization of African Unity (OAU) and the United Nations and, in accordance with article II.6 of the Agreement signed on 12 July 1992, shall have a humanitarian mission. This force shall normally be based in Kigali and its task shall be to help allay the fears and, in particular, ensure the security, of the expatriates wherever they may be.

V. The two Parties agreed on the modalities of the implementation of the preceding paragraph. These mandates are contained in a confidential document known to the Facilitator.

VI. By 13 March 1993, the Rwandese Government shall suspend and dismiss and, without prejudice to judicial proceedings, take any other administrative measures against all public officials who were directly or indirectly involved in, or who failed to prevent, massacres or other acts of intercommunal violence. The measures to be implemented by this date are the ones recommended in the Evaluation Commission report and in respect of recent flagrant cases. The RPF shall provide a list of other officials deemed to fall into the same category, and the Government of Rwanda shall take appropriate measures, after evaluation of each case, by 31 March 1993.

VII. The withdrawal of the Rwandese Patriotic Front forces to positions they occupied before 8 February 1993, shall take place under the supervision of the NMOG between 14 and 17 March 1993.

VIII. Upon non-compliance with the above agreed modalities, both or one of the Parties may request the Facilitator and/or the Secretary-General of OAU to be seized with the matter.

IX. The resumption of the Arusha negotiations on the outstanding issues shall take place on Monday, 15 March 1993. The negotiations should be completed within three weeks, and a Peace Agreement should be signed by the first week of April 1993.

X. The Secretary-General of OAU, in his capacity as the supervisor of the NMOG, shall be requested to extend the mandate of the NMOG and to mobilize additional resources to enable it to fulfil its mission.

Negative radio propaganda and war preparations

3. In order to contribute to the creation and enhancement of the necessary atmosphere conducive to the continuation of the peace process, the two Parties undertook to refrain from engaging in negative propaganda through any public media or through public meetings likely to incite people to hatred and violence and undermine national reconciliation. They also undertook to desist from fresh recruitment, the acquisition of new weaponry intended for supply to

the forces in the field and the distribution of arms to the civilian population. In this regard, the NMOG should ensure the strict monitoring of the activities of the two forces in their respective zones.

Displaced persons

4. The two Parties expressed concern over the plight of the displaced persons, in particular women and children, who are the most vulnerable. In this regard, they committed themselves to providing adequate security and protection to the displaced persons. They undertook to create corridors of tranquillity in the conflict zones to facilitate the transportation and delivery of relief supplies to the displaced persons. The two Parties also undertook to create the necessary conditions for the early return of the displaced persons to their homes.

5. The two Parties reiterated their appeal to the international community and to humanitarian agencies to provide increased and adequate relief assistance to the displaced persons.

Conclusion

6. The two Parties expressed their heartfelt gratitude to the Facilitator, His Excellency Mr. Ali Hassan Mwinyi, President of the United Republic of Tanzania, and to the Government and people of Tanzania for their commitment to, and support in, the search for peace in Rwanda, as well as for the warm hospitality accorded to them.

7. Lastly, the two Parties expressed their appreciation to the current Chairman of OAU, President Abdou Diouf of Senegal, to the Secretary-General of OAU, Mr. Salim Ahmed Salim, and to all observer countries and organizations for their invaluable support and assistance.

DONE at Dar-es-Salaam on 7 March 1993.

For the Government of the Rwandese Republic:

(Signed) Dismas NSENGIYAREMYE
Prime Minister of the
Rwandese Republic

For the Front Patriotique Rwandais:

(Signed) Col. Alexis KANYARENGWE
Chairman of the
Rwandese Patriotic Front

In the presence of the representative of the Facilitator (the United Republic of Tanzania):

(Signed) The Honourable John S. MALECELA
Prime Minister and First Vice-President
of the United Republic of Tanzania